

RECEIVED

AUG 16 2000

TECH CENTER 1600/2900

1612

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Attorney Docket No. 038007/0111

In re application of

Peter K. LAW

Serial No. 09/005,034

Filed: January 9, 1998

For: MYOBLAST THERAPY FOR COSMETIC TREATMENT



Examiner B. Brumback

Group Art Unit 1642

#  
22  
KD  
S. Bent

Supplemental Response in Compliance with 37 C.F.R. 1.192(c)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Communication dated July 25, 2000, applicant timely submits the attached appealed claims as Appendix 1, pursuant to 37 C.F.R. 1.192(c). It is believed that no fee is required. If this is in error, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 19-0741.

Respectfully submitted,

16 August 2000  
Date

S. A. Bent  
Stephen A. Bent  
Reg. No. 29,768

FOLEY & LARDNER  
3000 K Street  
Suite 500  
Washington, D.C. 20007-5109  
(202) 672-5300

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

**APENDIX 1**

20. A method for treating a body part of a subject, comprising (a) culturing myogenic cells to form a composition of cells and then (b) administering said composition into the body part such that the cosmetic appearance of the subject is altered.
21. A method as described in claim 20, wherein said body part is a face, breast, hip or non-diseased muscle.
22. A method as described in claim 20, wherein said myogenic cells are administered by injection into said body part.
23. A method as described in claim 20, wherein said myogenic cells are MHC-1 antigen deficient.
24. A method as described in claim 23, wherein said MHC-1 antigen deficient cells are produced by:
- (a) tagging MHC-1 antigen deficient cells in a cell population by fluorescent immunoassay;
  - (b) removing the tagged cells; and
  - (c) proliferating the removed cells.
25. A method as described in claim 20, wherein said composition further comprises fat cells.
27. A method as described in claim 20, further comprising administering chondroitin sulfate into the body part, together with or separately from the administration of myogenic cells into the body part.

28. In a method for augmenting a body part with plastic surgery of the body part by implantation of silicone, the improvement consisting of replacing injection of silicone with multiple transverse injection of a composition that comprises myogenic cells.
29. A method as described in claim 28, wherein the composition further comprises added chondroitin sulfate in a concentration between 5  $\mu$ M and 5 mM.
30. A method as described in claim 28, wherein the body part is a face, breast, hip, or non-diseased muscle.
31. A method for augmenting a body part comprising:
- (a) dissecting and removing tissue from the body part; and
  - (b) surgically implanting myotubes into the body part.
32. A method as described in claim 31, wherein the tissue is fat and/or connective tissue.